

WITNESS (NON-SHOOTER):

PO ANDREW J. RIVERA (4482)
PO BRENT R. RECHTFERTIG (4742)

PO J.P. KEYES (2929)

I N D E N T D A T A	Agency Name Round Rock Police Department		INCIDENT/INVESTIGATION			Case# 14-0530-0015	
	ORI TX 2460500		** Contains Restricted Names **				
	Location of Incident 1713 Parkside Cir, Round Rock TX 78664-		Premise Type Residence/home	Zone/Tract RRPD, D1		Date / Time Reported 05/30/2014 08:49 Fri	
					Last Known Secure 05/30/2014 08:49 Fri		
					At Found 05/30/2014 08:49 Fri		
	#1	Crime Incident(s) Incident (other) INCIDENT (OTHER)	(Com)	Weapon / Tools		Activity	
				Entry	Exit	Security	
	#2	Crime Incident	()	Weapon / Tools		Activity	
				Entry	Exit	Security	
	#3	Crime Incident	()	Weapon / Tools		Activity	
				Entry	Exit	Security	

[illegible]

By: BRECHTFERTIG, MCT_BRECHT64 #

Round Rock Police Department

Case# 14-0530-0015

Status 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D
R
U
G
S

RIVERA, A.J. (4482), KEYES, J.P. (2929)

Suspect Hate / Bias Motivated: *Unknown (Offender's motivation not known)*

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On 05/30/14 at about 0849 hours, several officers and I were dispatched to a residential alarm. During the incident, a Rottweiler attacked responding officers, was shot and killed. A report was completed.

Incident Report Related Property List

Round Rock Police Department

OCA: 14-0530-0015

1 Property Description RRPD PHOTO CD		Make RRPD		Model PHOTO CD		Caliber	
Color White/Black	Serial No.	Value \$0.00		Qty 1.000	Unit EA	Jurisdiction Locally	
Status Evidence	Date 05/30/2014	NIC #	State #		Local #	OAN	
Name (Last, First, Middle) City Of Round Rock,			DOB //		Age	Race	Sex

Notes

2 Property Description SPENT ROUNDS		Make HORNADY		Model TAP		Caliber 9MM	
Color Bronze/Grey	Serial No.	Value \$0.00		Qty 2.000	Unit EA	Jurisdiction Locally	
Status Evidence	Date 05/30/2014	NIC #	State #		Local #	OAN	
Name (Last, First, Middle) City Of Round Rock,			DOB //		Age	Race	Sex

Notes

3 Property Description ROUND FRAGMENTS		Make HORNADY		Model TAP		Caliber 9MM	
Color	Serial No.	Value \$0.00		Qty 2.000	Unit EA	Jurisdiction Locally	
Status Evidence	Date 05/30/2014	NIC #	State #		Local #	OAN	
Name (Last, First, Middle) City Of Round Rock,			DOB //		Age	Race	Sex

Notes

4 Property Description ROUND W/ BIOLOGICALS		Make HORNADY		Model TAP		Caliber 9MM	
Color Multi	Serial No.	Value \$0.00		Qty 1.000	Unit EA	Jurisdiction Locally	
Status Evidence	Date 05/30/2014	NIC #	State #		Local #	OAN	
Name (Last, First, Middle) City Of Round Rock,			DOB //		Age	Race	Sex

Notes

Incident Report Related Property List

Round Rock Police Department

OCA: 14-0530-0015

5	Property Description SHELL CASINGS		Make HORNADY		Model TAP		Caliber 9MM	
	Color Silver/Bronze	Serial No.	Value \$0.00	Qty 7.000	Unit EA	Jurisdiction Locally		
	Status Evidence	Date 05/30/2014	NIC #	State #	Local #	OAN		
	Name (Last, First, Middle) City Of Round Rock,			DOB / /	Age	Race	Sex	

Notes

REPORTING OFFICER NARRATIVE

Round Rock Police Department

Victim Society	Offense INCIDENT (OTHER)	OCA 14-0530-0015 Date / Time Reported Fri 05/30/2014 08:49
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

OFFICER NARRATIVE:

On 05/30/14 at about 0851 hours, I was dispatched to a residential alarm call at _____, Round Rock. At about 0901 hours, I arrived on scene and began checking the exterior for any signs of a possible criminal offense. While checking the residence, I observed exterior video cameras on the front side facing the front door and on the rear side of the residence facing the backyard. I looked through a crack in the northern wood fence and observed some type of chain link material inside the backyard. At the time, I could not confirm the purpose of the chain link (e.g. animal containment). I did not observe any positive indications there was a dog present such as a food bowl, dog toys or signage. In addition, I was not informed of any "alerts" from Dispatch or my Mobile Data Computer that an aggressive dog was present at the residence. I was informed of one "alert" by Dispatch which was the fact there was an associated subject at this residence on parole by the name of Russell Lane.

There were no signs of forced entry on any of the windows. The alarm zone activation, per Dispatch, was the front door. I opened the front, glass decorative door and observed the primary wood door to be ajar about two inches. Given my concerns for a criminal offense in progress, training/experience and Department Policy, I requested two additional units to clear the residence at about 0905 hours. While waiting for responding units, I opened the front door all the way to have a better visual of any intruders. I then shouted and announced my presence continuously until responding units were coming about three minutes later. I made statements similar to "Round Rock Police", "the place is surrounded" and "come to the door". I estimated that I made 5-10 announcements. During that time, I held my position, for tactical reasons, and did not observe any signs of movement or hear anything that would indicate something/someone was inside.

At about 0910 hours, we began to clear the interior of the residence with handguns drawn. I was lead point with Officer Rivera behind me with Sergeant Keyes trailing. The first room we cleared was the front living room. I then gave direction for Rivera and I to clear the kitchen first with Sergeant Keyes covering the northern hallway/bedroom area. After the kitchen was cleared, Officer Rivera and I progressed to the south side of the residence. We came to a "T" where the hallway split left and right. Given that I could partially visually clear the bedroom to the left (eastern bedroom); I decided to enter that room first with Officer Rivera covering the other side (western) of the hallway. At that point in time, we did not know if there was a bedroom at the end of that hallway nor did we have any visual angle to see that direction. As I entered the left/eastern bedroom, I heard a loud growl behind me. Nearly at the same time, I heard Officer Rivera shout "Dog!", and then heard handgun rounds being shot. As I spun around, from inside the bedroom, I saw a very large, black Rottweiler about three feet behind me. He was in the hallway facing towards Officer Rivera growling and barking in an aggressive posture. I then observed white smoke (expended gas from fired shots) coming from the front of the Rottweiler while I heard handgun rounds. It appeared the rounds were possibly going into the Rottweiler but it did not deter his aggressive demeanor as it continued to aggress towards Officer Rivera. I looked above the Rottweiler, saw part of the living room and could see there were no background issues (e.g. another person in my line of sight). Given those factors, I then shot the Rottweiler once in the midsection, towards the end of Officer Rivera's volley of shots. Based on Officer Rivera's shots and my shot, this appeared to stop the forward movement of the Rottweiler. However, the Rottweiler was still alive and growling. It then lied down in the hallway. I could now see at least one entry/exit wound from its left torso area and a pool of blood beginning to form underneath it. I then continued to cover down, with my handgun, on the Rottweiler until it appeared to die about 30-60 seconds later.

REPORTING OFFICER NARRATIVE

Round Rock Police Department

Victim Society	Offense INCIDENT (OTHER)	OCA 14-0530-0015 Date / Time Reported Fri 05/30/2014 08:49
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After confirming that all officers on scene were OK, we continued to clear the residence without issue. There were no signs of forced entry or criminal offenses (e.g. burglary). Sergeant Keyes then began the notification process to make other department personnel aware of the incident. In addition, he documented the crime scene which included taking digital photos and collecting the expended casings/rounds. See his supplemental report for further detail.

Animal Control Officers Cunningham and Turner responded to collect the remains of the Rottweiler to bring back to the police department. I directed them to the location of the dog. They removed the remains and cleaned up the floor area given the biological contamination.

At about 0915 hours, I was provided the number from Dispatch as the possible homeowner to inform them of the incident. I was not able to reach anybody at that time but left a message to urgently call back. At about 0935 hours, I called the number back and spoke to a subject who identified herself as Hope Lane. I informed her of the purpose of our initial response and that it ended, unfortunately, in the death of a dog. She immediately hung up on me. I called a few minutes later and spoke to a subject who identified himself as her co-worker at TXTag, Joseph Adams. Adams said that Hope Lane was grieving heavily and was currently being treated by Medics and/or the Fire Department at their work place, Austin, for her grieving. He said she was not able to talk to me. I informed him to relay a message to her to have her call the Round Rock Police Department when she was able. At about 0954 hours, I called again but was only able to leave a message.

At about 0955 hours, I was provided the number from Sergeant Keyes as the possible co-homeowner and called it. I spoke with a male subject who identified himself as "Russell" (Russell Lane Jr.). He was aware that his Rottweiler was shot and was very angry towards me during the entire phone call. It was difficult to interrupt him given his emotional state so I let him talk most of the time. He was upset because it was a family dog, he stated it was not aggressive and he wanted to know our purpose at the residence. I informed him we responded to an alarm call and it was our practice/procedure to clear the interior of the residence, especially given the non-secured front door. This upset him further because he stated he texted the alarm company informing them it was a "false alarm". He asked for the name(s) of the officer(s) who shot the dog and other incident details. He mentioned the dog's names as "Bullet". I did not provide him any further details but gave him my name and Sergeant Keyes' name for follow-up.

Given the challenge with communicating with the Lanes, we were not able to confirm if they were physically responding. So, I secured the back door, garage door and attempted to secure the front door. I was able to lock the door knob but when Officer Rivera and I shut the door, under normal pressure, the door latch did not secure. We both tried a few times but could only get the latch to secure if we slammed the door with significant force. The door latch/lock assembly appeared to not be adjusted properly and would stay open when shut under normal pressure. I later learned from Sergeant Keyes, upon talking with Russell Lane, that Russell Lane was aware of this issue.

I requested Dispatch research the "false alarm" comment made by Russell Lane. I was informed that the security company was Monotronics ('). Monotronics employee "Jasmine" advised that the "homeowner" disarmed the alarm at 0853 hours from a "mobile or keypad with a proper cancel code". Jasmine said they were "not sure" if they notified Round Rock Police Dispatch of this fact. However, Jasmine said they only cancel the alarm response if they receive a verbal authorization from the keyholder, which they did not in this case. This is per their company policy. Dispatch informed me that Monotronics did not inform them of the homeowner cancellation

REPORTING OFFICER NARRATIVE

Round Rock Police Department

OCA
14-0530-0015
Date / Time Reported
Fri 05/30/2014 08:49

Victim
Society

Offense
INCIDENT (OTHER)

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efforts. Given that, police response was never cancelled.

Officer Rivera and I left the scene together. I later booked my patrol video from unit 080424 into evidence. It should be noted that my video was not turned on until sometime after the shooting incident. An administrative report was completed and turned over to Sergeant Keyes.

WITNESS INTERVIEW(S): See Sergeant Keyes' report

EVIDENCE:

Bullet casings
Expend rounds found
Digital photos

See Sergeant Keyes' report for booking details.

CASE STATUS: Case status adult exceptionally cleared.

ATTACHMENTS: None

WITNESS LIST OF OFFICERS TO TESTIFY: Rechtfertig, Rivera, Keyes

ACTIONS OF INVOLVED OFFICERS REQUIRING TESTIMONY:

Rechtfertig - Initial dispatched officer, involved in shooting dog
Rivera - Involved in shooting dog
Keyes - Witness to shooting

L3: Patrol video from unit 080424

CONSULAR NOTIFICATION: None

ADMINISTRATIVE REPORT

CASE #: 14-0530-0015

DATE: 5/30/14

TIME: 8:51 AM

LOCATION:

TYPE OF INCIDENT: Other

SUPERVISOR: Sgt. Sitz

OFFICERS INVOLVED: Rechtfertig, Rivera, Keyes

"It is my understanding that this report is made for administrative, internal police department purposes only and will not be used against me in a criminal investigation. This report is made by me after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report that I can be disciplined for insubordination and that the punishment for insubordination can be up to and including termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result from failure to obey that order."

[Signature]
Supervisor Signature

[Signature] #7742
Officer Signature

NARRATIVE:

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residence. I informed him we responded to an alarm call and it was our practice/procedure to clear the interior of the residence, especially given the non-secured front door. This upset him further because he stated he did the alarm company informing them it was a "false alarm". He asked for the name(s) of the officer(s) who shot the dog and other incident details. He mentioned the dog's names as "Bullet". I did not provide him any further details but gave him my name and Sergeant Keyes' name for follow-up.

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EMPLOYEE PRINTED NAME: B. Rechtfertig, 4742

EMPLOYEE SIGNATURE: *B. Rechtfertig* 4742

CASE SUPPLEMENTAL REPORT

Printed: 05/31/2014 16:23

OCA: 1405300015

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Investigator: RIVERA, A. J. (4482)

Date / Time: 05/30/2014 11:20:27, Friday

Supervisor: KEYES, J. P. (2929)

Supervisor Review Date / Time: 05/30/2014 15:57:19, Friday

Contact:

Reference: Additional Information

On 5/30/14 at 0908 hours I responded as an additional officer for a residence alarm at Officer Rechtfertig had already arrived to the residence and observed the front door to be ajar. The front of the home sat to the west. As per our department policy, Officer Rechtfertig requested two additional officers to clear the residence for any unknown subjects that may have illegally/forcefully entered the home. Upon arrival, I positioned myself next to Officer Rechtfertig who advised he had already announced our presence into the home multiple times for anyone that may be inside. Sgt. Keyes arrived on scene and we made entry through the front door with our service weapons drawn. Officer Rechtfertig entered first, I behind him and then Sgt. Keyes at the rear. The front door opened into the living room, Officer Rechtfertig advised of a series of doors/bedrooms to our right. Sgt. Keyes held the rear position while Officer Rechtfertig and I entered the hallway, which ran perpendicular to our entry, in order to begin clearing the separate bedrooms and bathrooms. Officer Rechtfertig immediately entered the bedroom directly left, on the east side of the home. I swept right-to-left to ensure there were no immediate threats before following in behind Officer Rechtfertig in the bedroom. As I swept right, I observed the hallway ended into an open bedroom at the west end of the home, approximately 10-12 ft. from my position. In the bedroom a very large dog, I recognized to be a Rottweiler, stood from its laying position on a couch and gave a very aggressive growl as it began to quickly charge toward us, baring its teeth. I estimate that from my position to the dog's initial position on the couch to be approximately 15-17 ft. I did not observe there to be any other persons or animals between me and the wall behind the dog. As soon as I saw the dog, I announce "DOG!" to alert Officer Rechtfertig and Sgt. Keyes. In fear for my safety and the safety of the officers on scene with me, I fired my weapon at the dog when it reached the entry to the bedroom where it was located, approximately 10-12 ft. away. The dog steady in his charge, continued aggressively toward us. I fired my weapon two more times before I stepped out of the path of the dog, back into the living room. The dog continued toward Officer Rechtfertig, who was still in its direct path. I fired my weapon three more times into the left side of the dog to stop its charge, before it finally came to a rest. The dogs final rest position was where I had been initially standing when I saw it in the bedroom. The dog had traveled approximately 10-12 ft. while taking steady handgun fire in what I estimate to be 3 seconds.

After we were certain the dog was immobilized and unable to attack, we finished clearing the residence. Animal Control was called to be en route to collect the dog. Officer Rechtfertig made contact with the dog owners who later met with Sgt. Keyes at the residence.

Investigator Signature: _____

ADMINISTRATIVE REPORT

CASE #: 14-0530-0015

DATE: 5/30/14

TIME: 9:08 AM

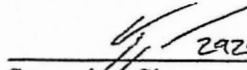
LOCATION:

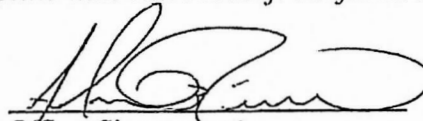
TYPE OF INCIDENT: Other

SUPERVISOR: Sgt. Keyes

OFFICERS INVOLVED: A. Rivera, B. Rechtfertig, J. Keyes

"It is my understanding that this report is made for administrative, internal police department purposes only and will not be used against me in a criminal investigation. This report is made by me after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report that I can be disciplined for insubordination and that the punishment for insubordination can be up to and including termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result from failure to obey that order."


Supervisor Signature


Officer Signature

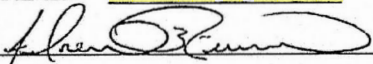
NARRATIVE:

On 5/30/14 at 0908 hours I responded as an additional officer for a residence alarm at Circle. Officer Rechtfertig had already arrived to the residence and observed the front door to be ajar. The front of the home sat to the west. As per our department policy, Officer Rechtfertig requested two additional officers to clear the residence for any unknown subjects that may have illegally/forcefully entered the home. Upon arrival, I positioned myself next to Officer Rechtfertig who advised he had already announced our presence into the home multiple times for anyone that may be inside. Sgt. Keyes arrived on scene and we made entry through the front door with our service weapons drawn. Officer Rechtfertig entered first, I behind him and then Sgt. Keyes at the rear. The front door opened into the living room, Officer Rechtfertig advised of a series of doors/bedrooms to our right. Sgt. Keyes held the rear position while Officer Rechtfertig and I entered the hallway, which ran perpendicular to our entry, in order to begin clearing the separate bedrooms and bathrooms. Officer Rechtfertig immediately entered the bedroom directly left, on the east side of the home. I swept right-to-left to ensure there were no immediate threats before following in behind Officer Rechtfertig in the bedroom. As I swept right, I observed the hallway ended into an open bedroom at the west end of the home, approximately 10-12 ft. from my position. In the bedroom a very large dog, I recognized to be a Rottweiler, stood from its laying position on a couch and gave a very aggressive growl as it began to quickly charge toward us, bearing its teeth. I estimate that from my position to the dog's initial position on the couch to be approximately 15-17 ft. I did not observe there to be any other persons or animals between me and the wall behind the dog. As soon as I saw the dog, I announce "DOG!" to alert Officer Rechtfertig and Keyes. In fear for my safety and the safety of the officers on scene with me, I fired my weapon at the dog when it reached the entry to the bedroom where it was located, approximately 10-12 ft. away. The dog steady

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After we were certain the dog was immobilized and unable to attack, we finished clearing the residence. Animal Control was called to be en route to collect the dog. Officer Rechtfertig made contact with the dog owners who later met with Sgt. Keyes at the residence.

EMPLOYEE PRINTED NAME: Andrew J. Rivera

EMPLOYEE SIGNATURE: 

CASE SUPPLEMENTAL REPORT

Printed: 06/01/2014 11:13

OCA: 1405300015

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Investigator: KEYES, J. P. (2929)

Date / Time: 05/30/2014 10:22:58, Friday

Supervisor: SLOAN, T. A. (3146)

Supervisor Review Date / Time: 05/31/2014 22:22:32, Saturday

Contact:

Reference: Additional Information

On 05/30/14 at approximately 0909 hours I arrived at an open door to this residence. to backup Officers Rechtfertig and Rivera on

Upon entering the living room and proceeding right, all Officers encountered a long hallway with a bedroom at each end and a bathroom off of the hall. Officers were stacked Rechtfertig, Rivera, and Keyes in that order. Officers chose to clear the closer of the two bedrooms first, and Officer Rechtfertig entered followed by Officer Rivera. I was covering the North bedroom / unknown portion of the residence. I heard Officer Rivera announce "DOG" and heard growling / snarling, followed by one shot, then two shots, then four shots. Because I was not expecting the loud noises and the echo produced by the hallway behind me, I temporarily lost my hearing at this time, hearing only a ringing sound in my ears.

During his announcement and the first shot, I felt Officer Rivera contact me as he attempted to move out of the hallway. I adjusted my position into the kitchen to allow Officer Rivera egress, and I observed a large black / brown Rottweiler landing in the hallway after coming down from an elevated position in the Westernmost bedroom. The canine then charged Eastbound in the hallway toward Officers. After all 7 shots had been fired, the canine came to rest in the entryway between the dining room and the hallway. Although forward progress had stopped, I observed the canine to still be bearing its teeth and attempting to rise up off of the ground with its front paws.

I observed Officer Rivera keep his weapon trained but no Officers fired, as the attempt was unsuccessful, the canine then ceased to move, and the threat to safety had ended. The ringing in my ears subsided, and I heard Officer Rivera loudly exclaim his lament for being forced to stop the canine's aggression. After asking both Officers if they were ok, I aired to Dispatch via the Police radio that we had been charged by a dog, shots had been fired, the dog was down, Officers were unhurt, and I requested an ACO response. I then reminded the Officers that the house still needed to be cleared, and we re-formed the stack with me in front. We cleared the rest of the residence and did not observe any other threats or signs of forced entry.

I activated my L3 at this time since we had just been involved in a critical incident. I retrieved my camera and a small plastic baggie from my patrol unit to gather evidence in. I took approximately 15 photographs of the scene, marked the locations of and collected 7 shell casings, marked the locations of and collected 2 mushroomed Hornady TAP rounds which lay in the hallway, and marked the locations of and collected two Hornady TAP round fragments which also lay in the hallway. When ACO arrived, supervisor J. Turner pronounced / determined the canine to be deceased. ACO's removed the canine to their truck for transport to the RRPD. Since all known evidence had been collected and an owner could not yet be reached, I made the determination that the family did not need to come home to the fluids left behind by the canine in the hallway.

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 06/01/2014 11:13

OCA: 1405300015

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Investigator: **KEYES, J. P. (2929)**

Date / Time: 05/30/2014 10:22:58, Friday

Supervisor: **SLOAN, T. A. (3146)**

Supervisor Review Date / Time: 05/31/2014 22:22:32, Saturday

Contact:

Reference: *Additional Information*

I asked ACO if they had any solvents to clean / sanitize the scene, and they did so. I then contacted Patrol Division Commander J. Stuart by telephone and advised him of the incident. I re-walked the scene again to ensure there were no holes in furniture or the structure that I missed, but I did not see any. Detective Sergeant Bayles then arrived and I briefed him on the incident as well. During a walk-through with Sgt. Bayles, he observed a small hole in the wall just above a baseboard in the Westernmost bedroom where the canine had initially been. He stated it didn't look like a hole from a round, but asked me if it was possible. I backed up to Officer Rivera's firing positions and informed Sgt. Bayles that the line-of-sight from where Officer Rivera was to where the hole was did not line up.

I informed Sgt. Bayles that the only way the hole could have been created by an expended round was if the trajectory was changed after passing through the canine (since there were no "skip" marks on the floor). Sgt. Bayles inspected the hole and stated it appeared to be two small holes occupying the same space or "on top of one another". Sgt. Bayles attempted to determine if there was metal or a piece of a round in the hole(s), but he did not observe anything. I also interviewed the neighbors at both . I spoke with an unidentified female at who stated she has only seen canine outside when the family is with him.

I spoke with Paul Tumbusch () at , and he stated that he knows the owners of very well. He said they have an aggressive Rottweiler that is protective of the house and jumps at him any time he is in his own yard. He said because the Rottweiler is so big and hits the fence with such aggression, it shakes the entire fence. I recorded both interviews with the neighbors on my L3. I next met with Mr. Lane as he arrived home. Mr. Lane was upset and difficult to maintain a conversation with as he kept speaking over Officers. Mr. Lane did state that he knew his front door would not stay closed, he did not answer when his alarm company called, and he has a 15 year old grand baby who left the door open.

I returned to the RRPD to log evidence and complete administrative paperwork. While there, I was tasked by Commander Stuart to examine the canine's body with ACO and determine how many wounds were sustained from handgun rounds. ACO and I removed the canine from the freezer and located 8 wounds caused by handgun fire. We found a "through-and-through" (2 wound holes) on the top of the neck, one wound in the chest, one in the right side, one in the right foot, and three in the left side. We further recovered another round that was just below the surface of the canine's skin. I logged this round into the RRPD Evidence Room as well. I completed all administrative paperwork during the weekend and will submit it to my Patrol Lieutenant on Monday, 06/02/2014.

Nothing further at this time.

Investigator Signature: _____